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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Afghanistan, Argentina, Australia, Canada, Côte d'Ivoire, Cyprus, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Israel, Malta, Marshall Islands, Monaco, New Zealand, Philippines, Poland and United Kingdom of Great Britain and Northern Ireland: draft resolution

Human rights and mass exoduses

The General Assembly,

Deeply disturbed by the scale and magnitude of exoduses and displacements of people in many regions of the world and by the human suffering of refugees and displaced persons,

Recalling its previous relevant resolutions, as well as those of the Commission on Human Rights, in particular Commission resolution 1997/75 of 18 April 1997, and the conclusions of the World Conference on Human Rights,[1] which recognized that gross violations of human rights, including in armed conflicts, are among the multiple and complex factors leading to displacement of people,

Noting with satisfaction the participation of the United Nations High Commissioner for Human Rights in the framework for coordination activities and projects organized by the United Nations system aimed at evolving a comprehensive approach to address root causes and effects of movements of

[1] A/CONF.157/24 (Part I), chap. III.

refugees and other displaced persons and the strengthening of emergency preparedness and responsible mechanisms,

Conscious of the fact that mass exoduses of populations are caused by multiple and complex factors, which may include human rights violations, political, ethnic and economic conflicts, famine, insecurity, violence, poverty and environmental degradation, which indicate that comprehensive approaches, particularly early warning, require an intersectoral and multidisciplinary approach to enable a coherent response, particularly at the international and regional levels,

Recognizing that the human rights machinery of the United Nations, including the mechanisms of the Commission on Human Rights and the human rights treaty bodies, has important capabilities to address human rights violations which cause movements of refugees and displaced persons or prevent durable solutions to their plight,

Convinced that the activities of these mechanisms, with a view, inter alia, to preventing mass exoduses and to strengthening emergency preparedness and response mechanisms of the United Nations system as a whole, should be encouraged and further developed and coordinated at both the international and regional levels, with priority given to the systematization of the early-warning information collection,

Welcoming the continuation of inter-agency consultations on early warning of mass flows of refugees, pursuant to the decision of the Administrative Committee on Coordination, with the purpose of serving both prevention of and preparedness for humanitarian emergencies,

Recognizing the complementarity between the systems for the protection of human rights and for humanitarian action, and that the work of humanitarian agencies makes an important contribution to the achievement of human rights,

Welcoming further the cooperation between the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme and other relevant United Nations entities, to ensure effective coordination of activities within their mandates and expertise with respect to returnee promotion and monitoring, technical advice, institution-building and rehabilitation activities,

Recognizing that women and children constitute the majority of most refugee populations and that, in addition to the problems they share in common with all refugees, women and girls in such circumstances are vulnerable to gender-based discrimination and gender-specific violations of human rights,

Recalling that States parties to the 1951 Convention relating to the Status of Refugees undertake, under article 35, to provide information on the implementation of the Convention to the Office of the United Nations High Commissioner for Refugees, as was recalled in the General Conclusions on international protection adopted by the Executive Committee of the Programme of

the United Nations High Commissioner for Refugees in 1995 (No. 77 (XLVI)) 1996 (No. 79 (XLVII)) and 1997,

Distressed at the widespread violation of the principle of non-refoulement and of the rights of refugees, in some cases resulting in loss of refugee lives, and at reports indicating that large numbers of refugees and asylum-seekers have been refouled and expelled in highly dangerous situations, and recalling that the principle of non-refoulement is not subject to derogation,

Recalling all relevant human rights standards, including the Universal Declaration of Human Rights, the principles of international protection for refugees and the General Conclusions of the Executive Committee of the Programme of the High Commissioner for Refugees on international protection, and that asylum applicants should have access to fair and expeditious status-determination procedures,

Welcoming the continuing efforts of the United Nations High Commissioner for Refugees in meeting the protection and assistance needs of refugees worldwide and in working to make it possible for refugees to exercise their fundamental right to return to and to stay in their own countries, in safety and dignity,

1. Takes note of the report of the Secretary General;[1]

2. Recalls with satisfaction its endorsement, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race, religion or language, and urges States to refrain from denying them because of gender;

3. Strongly deplores ethnic and other forms of intolerance as one of the major causes of forced migratory movements, and urges States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities;

4. Invites again all Governments and regional, intergovernmental and humanitarian organizations concerned, where appropriate, to intensify their cooperation and assistance in worldwide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons and the causes of such exoduses;

5. Emphasizes the responsibility of all States and international organizations to cooperate with those countries, particularly developing ones, affected by mass exoduses of refugees and displaced persons and calls on Governments and the High Commissioner for Human Rights to continue to respond to assistance needs of countries hosting large numbers of refugees until durable solutions are found;

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[1] A/52/494.

6. Urges all bodies involved in inter-agency consultations on early warning to cooperate fully in and to increase the necessary commitment and resources to the successful operation of the consultations;

7. Invites the special rapporteurs, special representatives and working groups of the Commission on Human Rights and the United Nations human rights treaty bodies, acting within their mandates, to seek information, where appropriate, on human rights problems which may result in mass exoduses of populations or impede their voluntary return home and, where appropriate, to include such information, together with recommendations thereon, in their reports, and to bring such information to the attention of the United Nations High Commissioner for Human Rights for appropriate action in fulfilment of her mandate, in consultation with the United Nations High Commissioner for Refugees;

8. Requests all United Nations bodies, including the human rights treaty bodies, acting within their mandates, the specialized agencies, and governmental, intergovernmental and non-governmental organizations, to cooperate fully with all mechanisms of the Commission and, in particular, to provide them with all relevant information in their possession on the human rights situations creating or affecting refugees and displaced persons;

9. Requests the United Nations High Commissioner for Human Rights, in the exercise of her mandate, as set out in General Assembly resolution 48/141 of 20 December 1993, to promote the coordination of human rights activities throughout the United Nations system and, in cooperation with the United Nations High Commissioner for Refugees, to pay particular attention to situations which cause or threaten to cause mass exoduses and to contribute to efforts to address such situations effectively through protection measures, emergency preparedness and response mechanisms, including information sharing with the United Nations early-warning mechanisms, and the provision of technical advice, expertise and cooperation in countries of origin as well as host countries;

10. Welcomes the efforts of the High Commissioner for Human Rights to contribute to the creation of an environment viable for return in post-conflict societies through initiatives such as the rehabilitation of the justice system, the creation of national institutions capable of defending human rights, and broad-based programmes of human rights education, and strengthening of local non-governmental organizations through programmes of advisory services and technical cooperation;

11. Urges the Secretary-General to give high priority and to allocate the necessary resources within the regular budget of the United Nations for the consolidation and strengthening of emergency preparedness and response mechanisms, including early-warning activities in the humanitarian area, for the purpose of ensuring, inter alia, that effective action is taken to identify all human rights abuses which contribute to mass outflows of persons, and to invite comments on this issue;

12. Welcomes with appreciation the contributions of the United Nations High Commissioner for Refugees to the deliberations by the Commission on Human Rights at its fifty-third session and to other international human rights bodies

and mechanisms, and invited her to address the Commission at its fifty-fourth session;

13. Encourages States that have not already done so to consider acceding to the 1951 Convention relating to the Status of Refugees and its Protocol of 1967 and to other relevant regional refugee instruments, as applicable, and relevant international human rights instruments;

14. Notes with appreciation that a number of States not party to the 1951 Convention and its Protocol of 1967 continue to maintain a generous approach to asylum; nevertheless, considering that over fifty States have yet to accede to these instruments, urges all States that have not yet done so to accede to and implement fully these instruments as well as relevant regional instruments for the protection of refugees, where applicable, thereby strengthening the framework of international protection;

15. Encourages States parties to the 1951 Convention relating to the Status of Refugees to provide information to the Office of the United Nations High Commissioner for Refugees, in accordance with article 35 of the Convention;

16. Calls upon States to ensure effective protection of refugees through, inter alia, respecting the principle of non-refoulement;

17. Requests the Secretary-General to prepare and submit to the General Assembly at its fifty-fourth session a report on the implementation of this resolution as it pertains to all aspects of human rights and mass exoduses, with detailed information on the programmatic, institutional, administrative, financial and management efforts instituted to enhance the capacity of the United Nations to avert new flows of refugees and to tackle the root causes of such flows;

18. Decides to continue its consideration of this question at its fifty-fourth session.